

(d) *Additional requirements and conditions for wideband operations in the broadband segment.* Permission to conduct wideband operations in the broadband segment will be granted only where spectrum in the narrowband segment or the internal guard band is unavailable for wideband operations. In no event will permission be granted to conduct wideband operations in geographic areas scheduled for broadband deployment within the first three years of the build-out plan for the Shared Wireless Broadband Network.

(1) An applicant seeking permission to deploy wideband systems in the broadband segment must have first issued a request for proposal (RFP) that permitted interested parties to submit broadband proposals that are technically consistent with the Shared Wireless Broadband Network.

(2) A request for waiver that seeks permission to deploy wideband systems in the broadband segment must include the following information:

(i) A substantially supported, detailed technical showing demonstrating that insufficient spectrum in the narrowband segment or the internal guard band is available to support the desired wideband operations;

(ii) A showing that rejected responses to the required broadband network RFP were more costly, provided less coverage as measured by throughput at the network edge, or were otherwise inferior to the accepted wideband proposal; and

(iii) A detailed plan for integration of such wideband system into the Shared Wireless Broadband Network. This plan must specify how and by what date the wideband applicant will integrate its proposed wideband system into Shared Wireless Broadband Network and must include a certification that the public safety entity will not seek reimbursement for any costs involved in converting the wideband system to Shared Wireless Broadband Network upon completion of that network in the applicant's geographic area.

(3) Authority to conduct wideband operations in the broadband segment of the public safety spectrum will be subject to the following conditions:

(i) All devices operating on the wideband system must be designed to interoperate with Shared Wireless Broadband Network;

(ii) All waivers will expire automatically upon the Upper 700 MHz D Block licensee's initiation of service in the service area covered by such waiver.

(e) *Secondary status of wideband operations.* All wideband operations permitted under this section shall be secondary to the authorized narrowband or broadband applications, as applicable.

(f) *License terms for wideband operations.* Any secondary license to conduct wideband operations in the public safety spectrum shall have a term of no more than five years.

(g) *Renewal of wideband authorization.* Any request for renewal of an initial authorization to conduct wideband operations shall be filed not less than 180 days prior to expiration of the license. All renewal requests must include a showing that continued operation of the wideband system is in the public interest and must be accompanied by a letter from the Public Safety Broadband Licensee confirming that continuing wideband operations are not inconsistent with the broadband deployment plan for the affected or adjacent service areas. The license term for any renewal of a license granted under the waiver provisions herein shall not exceed three years. No more than one license renewal will be granted.

(h) *Grandfathered wideband STA operations.* Upon request, the Public Safety and Homeland Security Bureau may grant a public safety entity that has constructed, deployed, and was operating a wideband system as of July 31, 2007 pursuant to STA to extend the STA grant for periods of no more than 180 days until, but not later than, six months following the selection of the Public Safety Broadband Licensee.

§ 90.1435 Prohibition on discontinuance of public safety operations.

The Upper 700 MHz D Block licensee, the Operating Company, and the Network Assets Holder are prohibited from discontinuing or degrading the broadband network service provided to the Public Safety Broadband Licensee

or to public safety entities unless either at the request of the entity or entities in question or it has first obtained the approval of the Commission. The Upper 700 MHz D Block licensee shall notify the affected public safety entity or entities and the Public Safety Broadband Licensee at least 30 days prior to any unrequested discontinuance or degradation of network service.

§ 90.1440 Reporting obligations.

(a) The *Upper 700 MHz D Block* licensee and the Public Safety Broadband Licensee shall jointly file quarterly reports with the Commission. These reports shall include audited financial statements, how the specific requirements of public safety are being met, detailed information on the areas where broadband service has been deployed, which public safety entities are using the broadband network in each area of operation, what types of applications are in use in each area of operation, and the number of declared emergencies in each area of operation.

(b) The Public Safety Broadband Licensee and the Upper 700 MHz D Block licensee have joint responsibility to register the base station locations with the Commission, providing basic technical information, including geographic location.

PART 94 [RESERVED]

PART 95—PERSONAL RADIO SERVICES

Subpart A—General Mobile Radio Service (GMRS)

Sec.

- 95.1 The General Mobile Radio Service (GMRS).
- 95.3 License required.
- 95.5 Licensee eligibility.
- 95.7 Channel sharing.
- 95.21 GMRS system description.
- 95.23 Mobile station description.
- 95.25 Land station description.
- 95.27 Paging receiver description.
- 95.29 Channels available.
- 95.33 Cooperative use of radio stations in the GMRS.
- 95.45 Considerations on Department of Defense land and in other circumstances.
- 95.51 Antenna height.
- 95.101 What the license authorizes.
- 95.103 Licensee duties.

- 95.105 License term.
- 95.115 Station inspection.
- 95.117 Where to contact the FCC.
- 95.119 Station identification.
- 95.129 Station equipment.
- 95.135 Maximum authorized transmitting power.
- 95.139 Adding a small base station or a small control station.
- 95.141 Interconnection prohibited.
- 95.143 Managing a GMRS system in an emergency.
- 95.171 Station operator duties.
- 95.179 Individuals who may be station operators.
- 95.181 Permissible communications.
- 95.183 Prohibited communications.

APPENDIX A TO SUBPART A OF PART 95—LOCATIONS WHERE GMRS IS REGULATED BY THE FCC

Subpart B—Family Radio Service (FRS)

GENERAL PROVISIONS

- 95.191 (FRS Rule 1) Eligibility and responsibility.
- 95.192 (FRS Rule 2) Authorized locations.
- 95.193 (FRS Rule 3) Types of communications.
- 95.194 (FRS Rule 4) FRS units.

Subpart C—Radio Control (R/C) Radio Service

GENERAL PROVISIONS

- 95.201 (R/C Rule 1) What is the Radio Control (R/C) Radio Service?
- 95.202 (R/C Rule 2) How do I use these rules?
- 95.203 (R/C Rule 3) Am I eligible to operate an R/C station?
- 95.204 (R/C Rule 4) Do I need a license?
- 95.205 (R/C Rule 5) Where may I operate my R/C station?
- 95.206 (R/C Rule 6) Are there any special restrictions on the location of my R/C station?

HOW TO OPERATE AN R/C STATION

- 95.207 (R/C Rule 7) On what channels may I operate?
- 95.208 (R/C Rule 8) How high may I put my antenna?
- 95.209 (R/C Rule 9) What equipment may I use at my R/C station?
- 95.210 (R/C Rule 10) How much power may I use?
- 95.211 (R/C Rule 11) What communications may be transmitted?
- 95.212 (R/C Rule 12) What communications are prohibited?
- 95.213 (R/C Rule 13) May I be paid to use my R/C station?
- 95.214 (R/C Rule 14) Who is responsible for R/C communications I make?